

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

GREATER BIRMINGHAM
MINISTRIES,

Plaintiff,

V.

JOHN H. MERRILL, in his
official capacity as Secretary of
State of the State of Alabama,

Defendant.

Case No.

2:22-cv-00205-MHT-SMD

SECRETARY MERRILL'S NOTICE CONCERNING RELEVANT AUTHORITY

On August 4, 2022, GBM filed a Notice of Relevant Authority, doc. 86, bringing to this Court’s attention the district court’s decision in *Campaign Legal Center v. Scott*, No. 1:22-cv-92-LY (W.D. Tex. Aug. 2, 2022). Secretary of State John H. Merrill hereby notifies the Court of subsequent developments in that litigation, which have resulted in an administrative stay of the decision on which GBM relies and an expedited appeal schedule.

On August 4, 2022, Texas Secretary of State Scott noticed his appeal. *CLC v. Scott* (doc. 57). The next day, he moved the district court for a stay pending appeal. *Id.* (doc. 58). On August 8, 2022, Secretary Scott filed a motion in the Fifth Circuit Court of Appeals in which he argues, *inter alia*, that the district court erred by reading the words “inspect” and “photocopy” to require electronic transmission.

DEFENDANT-APPELLANT’S OPPOSED EMERGENCY MOTION FOR A STAY PENDING APPEAL AND FOR AN ADMINISTRATIVE STAY, *Campaign Legal Center v. Scott*, No. 22-50692 (5th Cir. Aug. 8, 2022) (doc. 00516423894 at 20).

On August 12, 2022, the Fifth Circuit entered a *per curiam* order that provides:

IT IS ORDERED that Appellant’s opposed motion for stay pending appeal is CARRIED WITH THE CASE.

IT IS FURTHER ORDERED that Appellant’s alternative motion for a temporary administrative stay is GRANTED.

IT IS FURTHER ORDERED that this matter is expedited to the next available randomly designated regular oral argument panel. The Clerk is directed to issue a schedule for expedited briefing thereafter.

ORDER, *Campaign Legal Center v. Scott*, No. 22-50692 (5th Cir. Aug. 12, 2022) (doc. 00516431042).

The Fifth Circuit issued a briefing notice today: Secretary Scott’s brief is due on August 18, 2022; plaintiffs’ brief is due on August 24, 2022; and Secretary Scott’s reply brief is due August 26, 2022. The court’s docket sheet reflects that oral argument will be held August 30, 2022.

Respectfully submitted,

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Attorney General

s/Benjamin M. Seiss

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CERTIFICATE OF SERVICE

I certify that on August 15, 2022, I filed the foregoing document electronically via the Court's CM/ECF system, which will send a copy to all counsel of record.

Benjamin M. Seiss
Counsel for Secretary Merrill